

REMARKS

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 1 - 57 were pending in the present application before the present amendment.

The present amendment cancels claims 15, 16, 22 - 25, 43, 44 and 50 - 57 without prejudice; amends claims 1, 2 - 6, 9, 13, 26, 29, and 41; and adds new claims 58 - 60. Thus, claims 1 - 14, 17 - 21, 26 - 42, 45 - 49, and 58 - 60 are pending in the present application after the present amendment.

Applicants reserve the right to pursue the cancelled claims, and the amended claims in unamended form, in the context of a continuing application.

Applicants thank the Examiner and Supervisory Examiner Andrew Caldwell for the courtesy of a personal interview granted to Examiner's representative Sanford T. Colb, registration number 26,856, on 29 January 2009. In the interview, the substance of which is recorded in the Interview Summary, proposed new claims (numbered for the purpose of the interview as claims 58 - 61) were discussed. No agreement was reached at the interview. As stated in the Interview Summary, "SPE Caldwell noted that systems are in existence that allows a user of a wireless device (e.g. a Blackberry) to receive a transcoded e-mail attachment, from a server that stores the attachment. That wireless device user may then instruct the server to send the same attachment to a second wireless device, in possession of a second user (i.e. forwarding). The process of the forwarding would include the server transcoding the original file and sending it to the second wireless device."

In the event that a further Office Action should issue rejecting one or more claims on a basis similar to that stated in the Interview Summary, Applicants respectfully request that one or more specific references be cited in order to allow Applicants an opportunity to respond appropriately.

As discussed in more detail below, claim 1 (and corresponding claims 26 and 29) have been amended so that the recitation of claim 1 is similar to, but not identical to, the recitation of proposed claim 59, rewritten in independent form, as discussed in the interview mentioned above.

Claims 1, 3 - 12, 29, and 31 - 40 stand rejected under 35 USC 102 over US Published Patent Application 2001/0002900 of Romrell.

Romrell describes a system for transparent recovery from a communications disruption, in which transmission is resumed in a data stream immediately after a successfully received portion.

In general, in the system of Romrell a recipient of data performs a CRC or other checksum-like process on received data; the CRC is then transmitted by the recipient back to the sender; if the CRC does not match what the sender knows the correct CRC to be, the sender knows to re-send the data.

The rejection of claim 1 is now respectfully traversed. The system of Romrell bears little or no apparent relation to the present invention as recited in claim 1. Applicants respectfully submit that claim 1, even before the present amendment, included recitation of various features not shown or suggested in Romrell.

Nevertheless, in order to facilitate allowance of the present application, claim 1 has been amended to make the distinction of claim 1 over Romrell particularly clear. At least the following features, now recited in claim 1, are neither shown nor suggested in Romrell:

“ firstly transcoding ... multimedia content for playback on a first multimedia device, thereby producing a firstly transcoded version of said multimedia content;

generating a content ID of said firstly transcoded version of said multimedia content;

storing said content ID of said firstly transcoded version of said multimedia content, as a stored first content ID, in association with said stored multimedia content;

receiving an instruction to forward said item of multimedia content to a second multimedia device, said instruction comprising a copy of said firstly transcoded version of said multimedia content; and

performing the following in response to said instruction:

accessing said stored content using said stored first content ID of said firstly transcoded version of said multimedia content, said accessing comprising:

generating a received content ID of said copy of said firstly transcoded version of said multimedia content; and

looking up said stored multimedia content by comparing said received content ID with said stored first content ID; and

transcoding said stored multimedia content for playback on said second multimedia device.”

Claim 1 is therefore deemed allowable.

Claims 3 - 6 and 9 have been amended to correct minor typographical errors and consequent to the amendment to claim 1; the amendments to claims 3 - 6 and 9 are not related to the patentability thereof.

Claims 3 - 12 depend directly or indirectly from amended claim 1 and recite additional patentable subject matter.

Claims 3 - 12 are therefore deemed allowable.

Claim 29 is a system claim in means-plus-function form, corresponding to claim 1, and has been similarly amended.

Amended claim 29 is therefore deemed allowable with reference to the above discussion of the allowability of amended claim 1.

Claims 31 - 40 depend directly or indirectly from amended claim 29 and recite additional patentable subject matter.

Claims 31 - 40 are therefore deemed allowable.

Claims 22 - 25 and 50 - 57 stand rejected under 35 USC 102 over US Patent 6,697,944 to Jones et al.

Jones et al describes a digital content distribution system including DRM protection.

Claims 22 - 25 and 50 - 57 have been cancelled without prejudice. Applicants reserve the right to pursue the cancelled claims in the context of a continuing application.

Claims 2 and 30 stand rejected under 35 USC 103(a) as being unpatentable over Romrell, further in view of US Published Patent Application 2003/0007464 of Balani.

Claim 2 has been amended similarly to claims 3-6, and the amendment is not related to the patentability thereof.

Balani describes a system for wireless communication which is venue specific.

Claims 2 and 30 depend from claims 1 and 29, respectively, and recited additional patentable subject matter.

Claims 2 and 30 are therefore deemed allowable with reference to the above discussion of the allowability of claims 1 and 29.

Applicants have also considered the allowability of claims 1 and 29 with reference to the 35 USC 103(a) rejection of claims 2 and 30, and find claims 1 and 29 to be allowable over the combination of Romrell and Balani.

Claims 13 - 21 and 41 - 49 stand rejected under 35 USC 103(a) as being unpatentable over Romrell, further in view of Kobata (apparently referring to US Published Patent Application 2002/0077986 of Kobata et al).

Kobata et al describes a system for controlling and managing digital assets, typically over the Internet.

Claims 15, 16, 43, and 44 have been cancelled without prejudice.

Claims 13 and 41 have been amended to improve clarity; the amendments to claims 13 and 41 are not related to the patentability thereof.

Claims 13, 14, and 17 - 21 depend directly or indirectly from amended claim 1, deemed allowable as discussed above, and recite additional patentable subject matter.

Claims 13, 14, and 17 - 21 are therefore deemed allowable.

Claims 41, 42, and 45 - 49 depend indirectly from amended claim 29, deemed allowable as discussed above, and recite additional patentable subject matter.

Claims 41, 42, and 45 - 49 are therefore deemed allowable.

Applicants have also considered the allowability of claims 1 and 29 with reference to the 35 USC 103(a) rejection of claims 13 - 21 and 41 - 49, and find claims 1 and 29 to be allowable over the combination of Romrell and Kobata et al.

Claims 26 - 28 stand rejected under 35 USC 103(a) as being unpatentable over US Published Patent Application 2003/0172121 of Evans et al, in view of Kobata et al, and further in view of Romrell.

Evans et al describes a multimedia messaging system, including the ability to transcode messages for display on various terminals.

Claim 26 is a system claim corresponding to claim 1, and has been similarly amended.

While Evans et al does describe transcoding of messages for display on various terminals, at least the following recitation of claim 26 is not described or suggested anywhere in Evans et al, Kobata et al, or Romrell:

“ generate a content ID of said firstly transcoded version of said multimedia content;

store said content ID of said firstly transcoded version of said multimedia content, as a stored first content ID, in association with said stored multimedia content;

receive an instruction to forward said item of multimedia content to a second multimedia device, said instruction comprising a copy of said firstly transcoded version of said multimedia content; and

perform the following in response to said instruction:

access said stored content using said stored first content ID of said firstly transcoded version of said multimedia content, comprising:

generating a received content ID of said copy of said firstly transcoded version of said multimedia content; and

looking up said stored multimedia content by comparing said received content ID with said stored first content ID; and

transcode said stored multimedia content for playback on said second multimedia device.”

Claim 26 is therefore deemed allowable.

Claims 27 and 28 depend directly from claim 26 and recite additional patentable subject matter. Claims 27 and 28 are therefore deemed allowable.

Applicants have also considered the allowability of claims 1 and 29 with reference to the 35 USC 103(a) rejection of claims 26 - 28, and find claims 1 and 29 to be allowable over the combination of Evans et al, Kobata et al, and Romrell.

New claims 58 - 60, dependent directly or indirectly from claim 1, have been added. Each of new claims 58 - 60 make the distinction of the invention as claimed over the cited references particularly clear by further reciting details of the content ID and received content ID recited in claim 1.

Support for the claim amendments and for the new claims may be found, *inter alia*, as follows (referring to the application as filed, PCT Publication WO 2005/089061): originally filed claims 1 and 8; Figs. 1A and 1B; and pages 9 - 11 of the description.

Applicants have also considered the following references, listed in the outstanding Official Action as pertinent to the disclosure:

1. US Published Patent Application 2002/0069218 of Sull et al, which describes an indexing, searching, and editing system for multimedia files;
2. US Published Patent Application 2002/0157002 of Messerges et al, which describes a digital rights management system;
3. US Published Patent Application 2004/0162785 of Stone, which describes a system for determining levels of copy protection for various services;
4. US Patent 6,891,953 to DeMello et al, which describes a system for binding enhanced software features to persona, including digital rights management and store-and-forward messaging;
5. US Published Patent Application 2005/0183118 of Wee et al, which describes a media data decoding system useable with scalable media; and

6. US Patent 7,162,525 to Cofta et al, which describes a system for visualizing a level of trust network.

Applicants have studied the above-mentioned six references, and find that the present invention as claimed is neither described nor suggested in the six references, taken either individually or in combination with each other and with the references used to reject claims in the present Official Action.

In the above discussion of the allowability of the claims, and particularly but not exclusively in the above discussion of the allowability of the dependent claims based on the allowability of the respective base claims, discussion of other arguments for allowability of the claims has been omitted in the interest of brevity and clarity. Should a further Official Action issue rejecting one or more claims, Applicant reserves the right to present further arguments.

The present Office Action relied in part on Jones (US 6,697,944), but it was not identified on any IDS or on the PTO-892 accompanying the Office Action. Applicants request that Jones be identified in a Notice of References Cited.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



L. Friedman

Reg. No. 37,135

10 March 2009

HUSCH BLACKWELL SANDERS LLP
WELSH & KATZ
120 South Riverside Plaza, Suite 2200
Chicago, Illinois 60606
(312) 655-1500